

105TH CONGRESS  
1ST SESSION

# S. 295

To amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 1997

Mr. JEFFORDS (for himself, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. WARNER, Mr. McCONNELL, Mr. ASHCROFT, Mr. GORTON, Mr. GRASSLEY, Mr. NICKLES, Mr. MACK, and Mr. SHELBY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Teamwork for Employ-  
5 ees and Managers Act of 1997”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the escalating demands of global competi-  
4 tion have compelled an increasing number of employ-  
5 ers in the United States to make dramatic changes  
6 in workplace and employer-employee relationships;

7 (2) such changes involve an enhanced role for  
8 the employee in workplace decisionmaking, often re-  
9 ferred to as “Employee Involvement”, which has  
10 taken many forms, including self-managed work  
11 teams, quality-of-worklife, quality circles, and joint  
12 labor-management committees;

13 (3) Employee Involvement programs, which op-  
14 erate successfully in both unionized and nonunion-  
15 ized settings, have been established by over 80 per-  
16 cent of the largest employers in the United States  
17 and exist in an estimated 30,000 workplaces;

18 (4) in addition to enhancing the productivity  
19 and competitiveness of businesses in the United  
20 States, Employee Involvement programs have had a  
21 positive impact on the lives of such employees, better  
22 enabling them to reach their potential in the  
23 workforce;

1           (5) recognizing that foreign competitors have  
2           successfully utilized Employee Involvement tech-  
3           niques, the Congress has consistently joined busi-  
4           ness, labor and academic leaders in encouraging and  
5           recognizing successful Employee Involvement pro-  
6           grams in the workplace through such incentives as  
7           the Malcolm Baldrige National Quality Award;

8           (6) employers who have instituted legitimate  
9           Employee Involvement programs have not done so to  
10          interfere with the collective bargaining rights guar-  
11          anteed by the labor laws, as was the case in the  
12          1930's when employers established deceptive sham  
13          “company unions” to avoid unionization; and

14          (7) Employee Involvement is currently threat-  
15          ened by legal interpretations of the prohibition  
16          against employer-dominated “company unions”.

17          (b) PURPOSES.—The purpose of this Act is—

18               (1) to protect legitimate Employee Involvement  
19               programs against governmental interference;

20               (2) to preserve existing protections against de-  
21               ceptive, coercive employer practices; and

22               (3) to allow legitimate Employee Involvement  
23               programs, in which workers may discuss issues in-  
24               volving terms and conditions of employment, to con-  
25               tinue to evolve and proliferate.

1 **SEC. 3. EMPLOYER EXCEPTION.**

2       Section 8(a)(2) of the National Labor Relations Act  
 3 is amended by striking the semicolon and inserting the  
 4 following: “: *Provided further*, That it shall not constitute  
 5 or be evidence of an unfair labor practice under this para-  
 6 graph for an employer to establish, assist, maintain, or  
 7 participate in any organization or entity of any kind, in  
 8 which employees participate to at least the same extent  
 9 practicable as representatives of management participate,  
 10 to address matters of mutual interest, including, but not  
 11 limited to, issues of quality, productivity, efficiency, and  
 12 safety and health, and which does not have, claim, or seek  
 13 authority to be the exclusive bargaining representative of  
 14 the employees or to negotiate or enter into collective bar-  
 15 gaining agreements with the employer or to amend exist-  
 16 ing collective bargaining agreements between the employer  
 17 and any labor organization, except that in a case in which  
 18 a labor organization is the representative of such employ-  
 19 ees as provided in section 9(a), this proviso shall not  
 20 apply;”.

21 **SEC. 4. LIMITATION ON EFFECT OF ACT.**

22       Nothing in this Act shall affect employee rights and  
 23 responsibilities contained in provisions other than section  
 24 8(a)(2) of the National Labor Relations Act, as amended.

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